



United States Government

NATIONAL LABOR RELATIONS BOARD
1015 HALF STREET, SE
WASHINGTON DC 20570

May 3, 2018

Re: M&M Affordable Plumbing, Inc.
Case 13-CA-121459

ORDER

The Respondent's Motion for Acceptance of Late Filing is denied. The asserted reasons for the late filing – that counsel was busy with other legal matters, and experienced technological problems - do not rise to the level of excusable neglect. See NLRB Rules and Regulations, Section 102.2(d), 102.24(b). Thus, the Board has rejected claims that filing attorneys were busy, finding they do not rise to the level of excusable neglect. See, e.g., *V. Garofalo Carting, Inc.*, 362 NLRB No. 170, slip op. at 2 (2015). The Board has similarly held that a user's technological problems when attempting to e-file do not constitute excusable neglect. Rather, parties who choose to file on the final day for doing so assume the risk that something can go wrong, particularly if, as here, the attempted filing takes place on the evening of the final day. As specifically stated in the Board's e-filing instructions, "a user who waits until after close of business on the due date to attempt to E-File does so at his/her own peril."

Accordingly, the Respondent's motion is denied.

By direction of the Board:

/s/ Farah Z. Qureshi
Associate Executive Secretary

cc: Parties